

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Saturday 27th August, 2016

No. 323

**GOVERNMENT OF SIKKIM
TRANSPORT DEPARTMENT
(MOTOR VEHICLES DIVISION)**

No. GOS/MV/T/2016-17/150(Part-II)/43

Dated: 11/08/2016

NOTIFICATION

Whereas the draft of Sikkim Motor Vehicles (Amendment) Rules, 2016 was published as required by sub section (1) of section 212 of the Motor Vehicle Act, 1988(50 of 1988) in the Government Gazette, Extraordinary No.245 dated 24/6/2016 under the Notification of the Government of Sikkim in the Motor Vehicles Division, Transport Department No.GOS/MV/T/2016-17/150/35 dated 14/06/2016, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date on which the copies of the said Notification as published in the Sikkim Government Gazette.

And whereas, the copies of the said Notification were made available to the public on 24/6/2016;

And whereas, no objections and suggestions were received on the said draft rules from any persons likely to be affected thereby,

Now, therefore, in exercise of the powers conferred by section 38 of the said Act, the State Government hereby makes the following rules, namely:-

Short title, extent and commencement 1. (1) These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 2016.

(2) They shall extend to the whole of Sikkim.

(3) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 6A 2. In the Sikkim Motor Vehicles rules, 1991, (herein after referred to as the said rule) for rule 6A and the entries relating thereto, the following shall be substituted, namely:-

“6A Certain condition for renewal of driving license.

An application for renewal of driving license, beside other requirements should enclose.

- (i) No Objection Certificate from the Police Station/Crime Branch stating that no case has been registered against the applicant for driving under the influence of alcohol or drugs or the applicant was found plying a vehicle in contravention of any provisions of the Motor Vehicle Act and rules;
 - (ii) a certificate of passing a refresher course from any of the recognized driving school or from the road safety cell of Traffic Police."
- Amendment of rule 6B 3 In the said rules, in rule 6B, after the words "payment of Rs.50", at the end the following words shall be inserted, namely:-
- "and No Objection Certificate from the Police Station / Crime Branch stating that no case has been registered against the applicant for driving under the influence of alcohol or drugs or the applicant has been found plying vehicle in contravention of any provision of the Motor Vehicle Act and rules."
- Amendment of rule 53 4 In the said rules, in sub-rule (1) of rule 53, the following clauses shall be inserted, namely:-
- "(i) If it is satisfied that the vehicle no longer complies with all the requirements of the Act and rules on account of mechanical or physical defects;
 - (ii) if the driver/owner has been found to be plying his vehicle in contraventions of any provisions of the Motor Vehicle Act and rules."
- Amendment of rule 78 5 In the said rules, in rule 78, after clause (h), the following clauses shall be inserted, namely:-
- "(i) No permit shall be renewed if the driver/ owner has been found to be plying his vehicle in violations of or in non compliance of conditions of permit as specified under section 84 of the Act and clauses (a) to (h) above;
 - (j) No permit shall be renewed unless an NOC is produced from the Police Station/Crime Branch stating that no case has been registered against the driver/owner for driving under the influence of alcohol or drugs or the driver/owner has been found plying the vehicle in contravention of any provisions of the Motor Vehicle Act and rules;
 - (k) The Regional Transport Officer concerned may cancel or suspend the permit if the driver/owner is found violating any condition of permit above."

S.B.S. Bhadauria, IFS
Secretary to the Government of Sikkim
Transport Department